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July 22, 1999

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### VIA HAND DELIVERY

Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room TW-A325  
Washington, DC 20554

Re: MM Docket No. 99-153;  
File Nos. BRCT-940407KF and BPCT-940630KG

RECEIVED  
JUL 22 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Madam Secretary:

Transmitted herewith, on behalf of Reading Broadcasting, Inc., is an original and six copies of its Motion to Enlarge Issues in the above-referenced proceeding. Please note that the Declaration of Frank D. McCracken contained therein bears a facsimile signature. The original of this Declaration with original signature will be filed with the Commission after receipt.

An extra copy of the Motion is enclosed. Please date-stamp the extra copy and return it to the courier for return to me.

If should have any question please contact Thomas J. Hutton at (202) 828-1892 or the undersigned.

Very truly yours,

HOLLAND & KNIGHT LLP

*Randy Sifers*

Randall W. Sifers

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Enclosures

*CHG*

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In re Applications of	)	MM Docket No. 99-153
	)	
READING BROADCASTING, INC.	)	File No. BRCT-940407
	)	
For Renewal of License of Station	)	
WTVE(TV), Channel 51,	)	
Reading, Pennsylvania	)	
	)	
and	)	
	)	
ADAMS COMMUNICATIONS	)	
CORPORATION	)	File No. BPCT-940630KG
	)	
For Construction Permit for a	)	
New Television Station On	)	
Channel 51, Reading, Pennsylvania	)	

TO: Administrative Law Judge Richard Sippel

**MOTION TO ENLARGE ISSUES**

Reading Broadcasting, Inc. ("Reading"), by its attorneys, hereby moves to enlarge the issues to determine whether WTVE's Spanish-language television programming merits a comparative preference. As indicated in the contemporaneous "Prehearing Brief on Scope of Issues," Reading believes that evidence on this issue should be admitted pursuant to the designated issue of which application would best serve the public interest. However, out of an abundance of caution, Reading is submitting this Motion to Enlarge Issues.

**RECEIVED**  
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A. Timeliness

The *Hearing Designation Order* for this case was published in the Federal Register on June 15, 1999. See 62 Fed. Reg. 32,046 (June 15, 1999). Under Section 1.229(b)(2) of the Commission's Rules, motions to enlarge issues were due 30 days later, on July 15, 1999. This Motion is filed one week after that date and concurrently with the filing of Reading's "Prehearing Brief on Scope of Issues."

Under Commission precedent, a late-filed motion to enlarge issues may be considered only if it raises a question of decisional significance and substantial public interest importance.<sup>1</sup> This two-part test is satisfied here. In the *American International Development, Inc. ("AID")* case,<sup>2</sup> a proposal to provide Spanish-language programming was awarded a substantial comparative preference that was dispositive of the case. As will be shown below, Reading has a significant track record of airing Spanish-language programming on WTVE, not just a proposal to provide such programming in the future. Providing this type of specialized television programming to the Hispanic community in the Philadelphia market is clearly a matter of substantial public interest. It also involves a question of probable decisional significance for the reasons stated in *AID*, particularly given the uncertainty as to the applicable criteria for deciding comparative cases. Therefore, this

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<sup>1</sup> See *Global Information Technologies, Inc.*, 12 FCC Rcd 4671 (Deputy Gen. Counsel 1997).

<sup>2</sup> 75 FCC 2d 67, 96, 107 (ALJ 1979), *affirmed*, 86 FCC 2d 808, 818 (1981).

Motion meets the standard for a late-filed motion to enlarge issues.

Acceptance of the Motion also will not unduly delay the resolution of this case, which was designated for hearing nearly five years after the applications were filed.

B. Factual Background

Both the City of Reading, Pennsylvania and the Philadelphia market have a substantial Hispanic population. Attached is 1990 census data showing that nearly 15,000 persons of Hispanic origin (18.5% of the population) resided in the city of Reading at that time. Similar census data for Philadelphia County shows that nearly 90,000 Hispanics resided in that county in 1990. (Reading requests that the Presiding Officer take official notice of this U.S. Census data.) Reading believes that both figures have increased since 1990. WTVE provides specialized programming meeting the needs of this substantial Hispanic community.

Beginning on June 1, 1998, WTVE became the only Hispanic television station in the Philadelphia television market as an affiliate of Telemundo, a national network which provides a broad array of entertainment, sports, news and children's programming in the Spanish language. WTVE broadcasts Spanish-language programming approximately 14 hours a day, or 90-100 hours weekly. WTVE augments this network programming with the only locally-produced Hispanic news and public affairs programming available in the Philadelphia television market. The Philadelphia DMA is

the 4<sup>th</sup> largest market and the 18<sup>th</sup> largest Hispanic market in the United States, with about 2,654,100 households, 2,248,000 of which receive cable television. There are 16 commercial television stations in the market, and only one of them – WTVE – is Hispanic.

WTVE is carried on virtually every cable television system in southeastern Pennsylvania, including all systems serving Philadelphia and Delaware counties. The station, which reached only about 440,000 subscribers in October 1996, now reaches the homes of 1,382,000 subscribers in Pennsylvania and Delaware. Additionally, in 1997, WTVE entered into an agreement with Suburban Cable Television, operator of cable systems in Pennsylvania, Delaware and New Jersey, pursuant to which WTVE will be carried on all Suburban systems on a negotiated roll-out schedule within the next 3-1/2 years.

WTVE not only provides programming of particular interest to Hispanic residents of Reading and the Philadelphia television market, but in fact provides a unique format to the Philadelphia television market. Not including network programs (none of which is available elsewhere, either), WTVE provides the following:

- *Hispanic news:* Using a "newsbrief" format which airs news of southeastern Pennsylvania and southern New Jersey in the Spanish language, WTVE emphasizes news of importance to Hispanic viewers, both of their home communities and of Caribbean and Central and South American countries in which their relatives may reside. The "newsbriefs" air continually throughout the broadcast day.<sup>3</sup> As

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<sup>3</sup> For example, when a late winter storm threatened southeastern Pennsylvania and southern New Jersey on Sunday, February 28, 1999, WTVE aired up-to-the minute weather

illustrations only, last summer WTVE provided extensive coverage of the aftermath of Hurricane Mitch, which devastated many of the countries of origin of Hispanic residents in New Jersey and Pennsylvania, coverage not provided by any other Philadelphia television stations. WTVE covered the recent Puerto Rican independence vote with a satellite-fed interview with Dr. Pedro Rossello, coverage not available on any other station in the Philadelphia market.

- *The Alicia Show:* This program, the only Hispanic full-length television program produced in the Philadelphia DMA, focuses on health, relationships, family and Hispanic culture. The show is hosted by Dr. Alicia Alvarez, a psychologist and educator who edits the scientific journal, *Women and Cancer*. The program features guests from Philadelphia and south Jersey, and is produced in Reading. Several of the programs have focused on health concerns of Hispanic agricultural workers, who live and work southern New Jersey.

- *Special Events Programming:* WTVE's first locally-produced special events broadcast after becoming a Telemundo affiliate in June 1998 aired the San Juan Bautista festival in Camden, New Jersey. Other reports since that time have included coverage of the National Council of La Raza convention in Philadelphia, Mexican and Puerto Rican Independence celebrations in Philadelphia and coverage from the Camden Aquarium of the Geronamo Foundation special event to benefit area mentally challenged and physically handicapped residents. (WTVE was the only local television station covering this event.)

In addition to the foregoing local programs, WTVE airs the Telemundo network. Especially noteworthy among the network's offerings are the first over-the-air broadcasts of popular Nickelodeon programs "Blues Clues," "Regrets" and "Hey, Arnold," professionally dubbed by Nickelodeon in

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reports in Spanish, drawing on the resources of the Weather Channel through a cooperative agreement, but using WTVE on-air talent and reporting on conditions in Philadelphia, Camden, the New Jersey shore and Reading.

Spanish. These programs are available in Spanish nowhere else in the Philadelphia market.<sup>4</sup>

There exists one other over-the-air Hispanic television outlet in the Philadelphia market, but it is a low power station. WXTV-LP, which operates in downtown Philadelphia, broadcasts only the Univision television network, without local programming. A number of cable systems carry Univision as a cable channel, again without local programming. Therefore, WTVE provides a unique service to the Hispanic community in Reading, Pennsylvania and the Philadelphia television market.

C. WTVE Provides A Unique Programming Service.

A specialized programming issue is warranted because WTVE provides a unique programming service to the Hispanic population in Reading and in the Philadelphia market. Out of sixteen commercial television stations in that market, only WTVE currently offers Spanish-language programming and only WTVE originates Spanish-language news programming. Clearly, an issue is warranted to determine whether WTVE's programming is a

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<sup>4</sup> WTVE's programming also addresses the needs of other minority groups served by WTVE. WTVE's English-language programming includes:

- *I'll Take the High Road:* This non-Hispanic program is hosted by Philadelphia Takesha Dockery, and features local African American and Hispanic musicians, artists and poets, while delivering a positive-outlook message emphasizing personal and family values. The program is produced in Reading.
- *Air Gospel:* This program, hosted by WTVE executive vice president Frank McCracken (who also is an ordained minister), provides not just religious teaching and music, but also provides church news, addresses church development topics and features a regional calendar of events. The program is intended to provide resources for minority churches in the southeastern Pennsylvania and southern New Jersey area. The program is produced in Reading.

specialized service within its service area and the need for such a specialized service. *See AID, supra; see also Broadcast Communications, Inc.*, 93 FCC 2d 1176 (ALJ 1992) (addressing specialized programming in comparative license renewal case).<sup>5</sup>

For the reasons set forth above, Reading requests that the issue of WTVE's specialized programming service, if not considered under the standard comparative issues, be designated as an issue in this case.

Respectfully submitted,

READING BROADCASTING, INC.

By Thomas J. Hutton  
Thomas J. Hutton  
J. Steven Rich

Its Attorneys

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July 22, 1999

WAS1 #559571 v1

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<sup>5</sup> The Commission ultimately decided not to grant a preference based on the station's Spanish-language programming, overturning the ALJ and Review Board on this point. *See Broadcast Communications, Inc.*, 97 FCC 2d 61 (1984). However, the decision to designate a specialized programming issue was never questioned.



(URL reload)

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1990 US Census Data  
Database: C90STF1A  
Summary Level: State--Place

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Reading city: FIPS.STATE=42, FIPS.PLACE90=63624

**PERSONS**

Universe: Persons

Total.....78380

**PERSONS OF HISPANIC ORIGIN**

Universe: Persons of Hispanic origin

Total.....14486

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(URL reload)

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1990 US Census Data  
Database: C90STF1A  
Summary Level: State--County

---

**Philadelphia County: FIPS.STATE=42, FIPS.COUNTY90=101**

**PERSONS**

*Universe: Persons*

Total.....1585577

**PERSONS OF HISPANIC ORIGIN**

*Universe: Persons of Hispanic origin*

Total.....89193

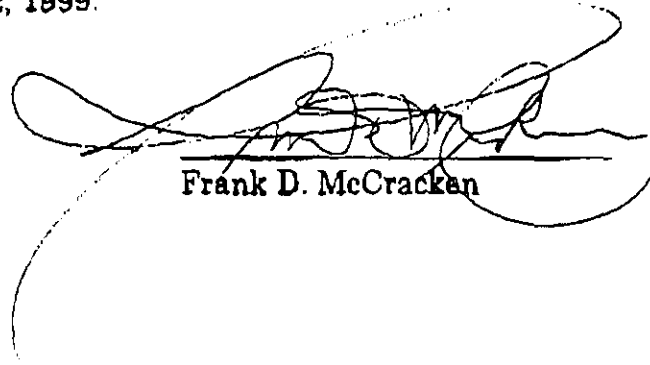
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Declaration of Frank D. McCracken

Frank D. McCracken hereby declares as follows:

1. I am Executive Vice President of Reading Broadcasting, Inc.
2. I have reviewed the "Motion to Enlarge Issues" submitted on behalf of Reading Broadcasting, Inc.
3. I declare under penalty of perjury that the facts stated therein are true and correct to the best of my personal knowledge.

Executed on July 22, 1999.



Frank D. McCracken

WAS1 #558613 v1

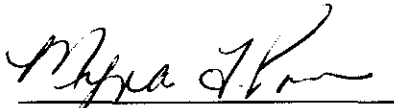
CERTIFICATE OF SERVICE

I, Myra Powe, a secretary in the law firm of Holland & Knight LLP do hereby certify that a copy of the foregoing Motion to Enlarge Issues was served, this 22<sup>nd</sup> day of July 1999, via hand delivery, to the following:

The Hon. Richard L. Sippel  
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Federal Communications Commission  
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